REMARKS

Applicant respectfully requests entry of the amendments and the following remarks. Claims 1-5, 7, 9, and 11-15 are pending in this application on the merits upon entry of this amendment. Claims 1-5, 7, 9, and 11 have been amended to more clearly recite the claimed invention. Applicants have canceled claims 6, 8, and 10 to expedite prosecution and not for reasons related to patentability. Applicants reserve the right to file one or more continuation applications to any canceled subject matter. Applicants have added new claims 12-15, which recite that the structured fat compositions of claims 1-4, respectively, wherein the structured fat composition delivers around 5.35 K cal/g. Support for the new claims is supported by the application as filed. (*See, e.g.*, par. [0046] at page 16, lines 7-9). No new matter has been added.

I. Specification

The office action objects to the disclosure because of a typographical error on line 18 of page 10. Applicants have amended the specification to correct the value "2.Sg" to read 2.5g.

II. The Rejections Under 35 U.S.C. § 112, Second Paragraph, Should Be Withdrawn

Claims 1-11 are rejected on page 2 of the office action under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicant regards as the invention. According to the office action, the term "reduced-calorie fat composition" in claims 1-11 is a relative term, which renders the claim indefinite.

Applicant respectfully submits that having amended claims 1-5, 7, 9, and 11, the rejection has now been overcome. Applicants respectfully request that the rejection of claims 1-11 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 1-4 are rejected on page 2-3 of the office action under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicant regards as the invention. Applicant respectfully submits that the weight percent (wt. %) for each fatty acid refers to the relative weight percent of each of the fatty acids present compared with the total weight of all of fatty acids in the composition. This is a common method of representing the fatty acid composition of any oil or fat.

Claim 4 is rejected on pages 2-3 of the office action under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicant regards as the invention. According to the office action, Applicant claimed an "expected TAG" composition, rendering the metes and bounds of the actual composition unclear. Applicant respectfully submits that claim 4 has been amended thus overcoming the rejection.

Claims 4-10 are rejected on page 3 of the office action under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicant regards as the invention. According to the office action, there is insufficient antecedent basis for the recitation of the limitation "residue" in claims 4-10. Applicant has amended the claims and deleted the term "residue" in the amended claims. Applicant respectfully submits that the rejection has been overcome.

Claim 11 is rejected on page 4 of the office action under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicant regards as the invention. According to the office action, claim 11 uses the trade name "Lipozyme" as a limitation to identify or describe a particular material or product. Applicant has replaced "Lipozyme" with "thermostable 1,3-specific lipase from sources including *Mucor miehei.*" Applicant respectfully submits that the rejection has been overcome.

III. The Rejections Under 35 U.S.C. § 102(b) Should Be Withdrawn

Claim 11 is rejected on pages 4-5 of the office action under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Number 5,654,018 to Cain *et al.* ("the '018 patent").

Claims 5-8 are rejected on page 5 of the office action under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent Number 2,954,348 to Schwoppe ("the '348 patent").

As the Examiner is aware, to establish anticipation, a single prior art reference must disclose each and every limitation of a claim either expressly or inherently. *See Celeritas Techs. Ltd. v. Rockwell Int'l Corp.*, 150 F.3d 1354, 1360 (Fed. Cir. 1998); *Standard Havens Prods., Inc. v. Gencor. Indus., Inc.*, 953 F.2d 1360, 1369 (Fed. Cir. 1991); *Jamesbury Corp. v. Litton Indus., Inc.* 756 F.2d (Fed. Cir. 1985); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1 (Fed. Cir. 1984) (holding that prior art is anticipatory only if every element of the

claimed invention is disclosed in a single item of prior art). There must be no difference between the claimed invention and the reference disclosure as viewed by one of ordinary skill in the art. *See Scripps Clinic & Research Found. v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991); *Carella v. Starlight Archery Co.*, 804 F.2d 135, 138 (Fed. Cir. 1986); *RCA Corp. v. Applied Digital Data Sys.*, 730 F.2d 1440, 1444 (Fed. Cir. 1984) (holding that anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference).

Claim 11 encompasses a structured fat that is made by a process comprising inter-esterifying one or more edible oils with 1,3-dibehenin in the presence of a thermostable lipase at a temperature in the range of about 25 °C to 150 °C for at least about 0.5 hours and recovering the structured fat, wherein the thermostable lipase enzyme is 1,3-specific lipase from sources including *Mucor miehei*.

Applicant respectfully submits that the '018 patent describes a simple process for enzymatic esterification of dibehenin with free fatty acids rich in oleic acid and/or linoleic acid. The product produced by this process is a very simple esterified product.

The '018 patent discloses separating a diglyceride rich in dierucin from a crude reaction product, catalytically hydrogenating the dierucin separated to dibehenic, and enzymically esterifying the dibehenic obtained in the presence of free fatty acids rich in oleic acid and/or linoleic acid. In contrast, the current claims are directed to preparing a structured fat by transesterification of vegetable oils with alkyl behenates or by interesterification of vegetable oils with 1,3 dibehenin. The fatty acid compositions, as well as fat composition, of the present invention and the products reported in the '018 patent are entirely different. Specifically, the '018 patent is silent with regard to inter-esterifying one or more edible oils with 1,3-dibehenin in the presence of a thermostable lipase at a temperature in the range of about 25 °C to 150 °C.

Because each and every limitation of the claims is not present in the '018 patent, the '018 patent can not anticipate the claims. Applicant respectfully requests that the rejection of claim 11 be reconsidered and withdrawn.

Claims 5-8 are not anticipated by the '348 patent. Applicant respectfully submits that the '348 patent merely lists a number fatty acids but does not identify a "structured fat" comprising the fatty acids recited by the claim. The '348 patent lists the following fatty acids:

Myristic acid	0-25
Palmitic acid	0-50
Stearic acid	0-50
Arachidic acid	0-40
Behenic acid	0-40
Lignoceric acid	0-25
Cerotic acid	0-25
Melissic acid	0-25
Oleic acid	0-30
Linoleic acid	0-10

but is silent with regard to a structured fat as recited by claim 5. Moreover, the fact the '348 patent discloses known fatty acids cannot be said to anticipate a claim directed to a structured fat comprising certain specific fatty acids.

Applicants respectfully request that the rejection of claims 5-8 under 35 U.S.C. § 102(b) as anticipated by the '348 patent be withdrawn.

IV. The Rejection Under 35 U.S.C. § 103(a) Should Be Withdrawn

Claims 7-10 are rejected on pages 5-6 of the office action under 35 U.S.C. § 103(a) as obvious over the '348 patent. According to the office action, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have optimized multi-component compositions for linoleic and behenic acid.

Applicant respectfully submit that claims 7 and 9 have been amended to depend from claim 1, which is not the subject of the rejection under 35 U.S.C. § 103(a), and claims 8 and 10 have been canceled.

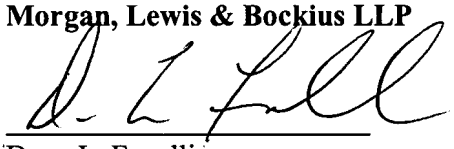
Applicants respectfully submit that the rejection of claims 7-10 has been overcome and should therefore be withdrawn.

V. Conclusion

It is respectfully submitted that all claims are now in condition for allowance, early notice of which would be appreciated. Should the Examiner disagree, Applicant respectfully requests a telephonic or in-person interview with the undersigned attorney to discuss any remaining issues and to expedite the eventual allowance of the claims.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any necessary fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17, which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,
Morgan, Lewis & Bockius LLP



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